

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 674 OF 2021

Manish Dattatray Shelke

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Vaibhav R. Gaikwad for Applicant.

Smt. A. A. Takalkar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 31st MARCH, 2021

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No. 611 of 2020 registered at Bibwewadi police station, Pune, on 19/08/2020, under sections 326, 323, 504, 506(2) of the Indian Penal Code (for short 'IPC') and under section 37(1) r/w. 135 of the Maharashtra Police Act. Subsequently, section 307 of IPC was also added. The applicant was arrested on 25/08/2020 and since then he is in custody.

2. Heard Shri. Vaibhav Gaikwad, learned counsel for the applicant and Smt. Takalkar, learned APP for the State.

3. The prosecution case unfolds through the F.I.R. lodged by one Omkar Shelke. He has stated that, on 19/08/2020, at about 3:30p.m., he along with his friends Harshad Bibwe and Rohan Papal were sitting at a stall. Suddenly, Sunny Salve, Nilesh Kudle, present applicant and some unknown persons came in front of them. The applicant and Nilesh caught him. Accused Sunny tried to give a blow with big sickle on head and neck of the informant. The informant avoided that blow with both his hands. The applicant and Nilesh beat him with kicks and fist blows. The informant's friends tried to intervene, but they were threatened by Sunny. Other shopkeepers got scared and they closed their shops. The informant's friends thereafter took him to hospital. After that, this F.I.R. was registered.

4. Learned counsel for the applicant submitted that, he is 19 years of age. He was not carrying any weapon. The main role is attributed to main accused Sunny, therefore, leniency may be shown to him. Custody of accused for entire duration of trial is not necessary.

5. Learned APP opposed this application. She relied on medical certificate and statements of other eye witnesses Harshad and Rohan.

6. I have considered these submissions. The informant's case and his version is supported by his friends Rohan and Harshad. Therefore, occurrence of the incident cannot be doubted. There are other witnesses who have not seen actual incident, but they had gone to the spot after the incident. One witness like Balasaheb Gore had seen accused including the present applicant at the spot. The injury certificate shows that the informant had suffered as many as 17 injuries on his hands. 12 injuries were described as grievous injuries as they were in the nature of fracture or cutting of tendons. Therefore, the offence, undoubtedly, is serious. However, I am taking into consideration young age of the applicant, and also the fact that the applicant himself did not give any blow with weapon on the victim. The applicant had accompanied main accused Sunny to the spot. Sunny had caused all these injuries with his weapon, therefore, to that extent, for consideration of bail, the applicant's role is lesser than the main

accused Sunny. In this view of the matter, I am inclined to show leniency to the present applicant. The investigation is already over. His further custody for investigation purpose is not necessary. Learned APP has pointed out that the applicant has two other cases pending against him U/s.324 of IPC, therefore, some conditions, to keep check on his activities, are required to be imposed.

7. Hence, the following order :

ORDER

- (i) In connection with C.R.No. 611 of 2020 registered at Bibwewadi police station, Pune, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station twice in a week till framing of the charges.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)